

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/609,147
Confirmation No.: 6705
Filing Date: June 27, 2003
Examiner: Paul V. Ward
Group Art Unit: 1624
Applicants: Ronald Knegt et al.
For: CASPASE INHIBITORS AND USES THEREOF

Cambridge, Massachusetts
April 1, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX PHARMACEUTICALS INC."), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

United States patent application Serial No. 10/609,147 (hereinafter "the '147 application"), for "CASPASE INHIBITORS AND USES THEREOF" was filed on June 27, 2003. A related application, United States patent application Serial No. 10/166,437, (hereinafter "the '437 application"), was filed on June 10, 2002.

An assignment of the entire right, title and interest in and to the subject matter of the '437 application was recorded in the United States Patent and Trademark Office on June 10, 2002 at Reel/Frame: 013004/0175.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '147 application which would extend beyond the expiration date of the patent granted on the '437 application.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '147 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the patent granted on the '437 application, this agreement to run with any patent granted on the '147 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '147 application prior to the full statutory term of the patent granted on the '437 application, in the event that the patent granted on the '437 application subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '437 application and to the '147 application is in assignee.

Respectfully submitted,

/Jennifer G. Che/

Jennifer G. Che (Reg. No. 58,035)

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